

Judicial Branch Appropriations Bill Senate File 472

FINAL ACTION

April 16, 2009

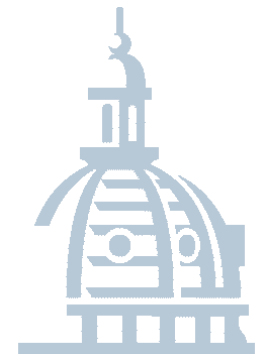
An Act relating to and making appropriations to the Judicial Branch, and providing an effective date.

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

Fiscal Services Division

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EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

SENATE FILE 472 JUDICIAL BRANCH APPROPRIATIONS BILL

FUNDING SUMMARY

- Appropriates a total of \$149.2 million from the General Fund to the Judicial Branch. The Judicial Branch has 2,009.17 FTE positions that are not limited in this Bill. This is a decrease of \$2.9 million and an increase of 6.1 FTE positions compared to the estimated net FY 2009 General Fund appropriation. The increase in FTE positions is due to the receipt of two grants and Department of Human Services (DHS) funding for Drug Courts. The Bill also merges the Judicial Retirement appropriation line item into the Judicial Branch operating budget appropriation line item. This includes funding the employer's share of Judicial Retirement at 30.6%.

NOTE: Senate File 478 (FY 2010 Standing Appropriations Bill) increased the General Fund appropriation to the Judicial Branch budget by \$11.0 million for FY 2010 and provided an FY 2009 supplemental appropriation of \$760,000. The first \$5.4 million of the additional funds for FY 2010 are to be expended as follows:

- \$4.8 million for the employer's share of Judicial Retirement at 30.6%.
- \$350,000 for court debt collection (\$115,000 for one-time programming costs and \$235,000 for ongoing operations).
- \$250,000 to restore civil case trial travel.

In addition, SF 478 increases the following Judicial Branch fees:

- Filing and docketing of civil cases from \$100 to \$185, except the filing and docketing fee for domestic relations and adoptions remains at \$100.
- Filing and docketing of modifications of dissolution decrees from \$50 to \$100.
- Appeals from a judgment in small claims cases from \$75 to \$185.
- Filing fee for liens from \$20 to \$50.
- Certification of Court Records from \$10 to \$20.
- Certification of a Change in Real Estate Title from \$20 to \$50.
- Establishes a Lis Pendens filing fee of \$50. Lis Pendens refers to "suit pending" regarding certain real estate property claims.
- Filing and docketing of a simple misdemeanor, scheduled traffic, and non-scheduled traffic case from \$50 to \$60.
- Appeals of a simple misdemeanor to District Court from \$50 to \$75.
- Court reporter services from \$15 to \$40.
- Filing and docketing a small claims case from \$50 to \$85.
- Settlement fee on an estate with a value in excess of \$25,000, from \$25 to \$50.
- Criminal Penalty Surcharge from 32.0% to 35.0%.

FISCAL IMPACT: The fee changes in SF 478 are effective on enactment and are estimated to increase General Fund revenues by \$760,000 in FY 2009 and \$16.7 million in FY 2010.

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 472
JUDICIAL BRANCH APPROPRIATIONS BILL**

STUDIES AND INTENT LANGUAGE

- Prohibits the Judicial Branch from duplicating the State payroll system. (Page 1, Line 20)
- Requires the Judicial Branch to submit monthly financial statements to the Legislative Services Agency (LSA) and the Department of Management (DOM). (Page 1, Line 26)
- Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. (Page 2, Line 1)
- Specifies legislative intent that the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public as much as reasonably possible. (Page 2, Line 4)
- Requires the Judicial Branch to notify the LSA prior to any interdepartmental transfer of funds. (Page 2, Line 9)
- Requires the Judicial Branch to provide a semi-annual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). (Page 2, Line 18)
- Requires the Judicial Branch to report to the General Assembly by January 1, 2010, regarding the revenues and expenditures for the Enhanced Court Collections Fund and the Court Technology and Modernization Fund. The report is to include revenues and expenditures for FY 2009 and planned expenditures for FY 2010. (Page 2, Line 26)
- Requires the Judicial Branch to obtain bids from Iowa Prison Industries on furniture purchases exceeding \$5,000. (Page 3, Line 1)
- Permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence. (Page 3, Line 21)
- Requires the Judicial Branch to provide LSA with reports in electronic format. (Page 3, Line 25)

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

- Permits parties to a civil case, including a jury trial, to move the case to a contiguous county. (Page 3, Line 8)
- Allows the Supreme Court to order judicial officers to take unpaid leave in the same manner as the noncontract employees of the Judicial Branch. (Page 4, Line 1)

EFFECTIVE DATES

- The Section that permits judicial officers to take unpaid leave is effective on enactment. (Page 4, Line 15)

ENACTMENT DATE

- This Bill is effective July 1, 2009.
- This Bill was approved by the General Assembly on April 16, 2009.

Senate File 472

Senate File 472 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
3	8	2	Nwthstnd	Sec. ALL	Permits Civil Trials to Move to Contiguous Counties
3	21	3	Nwthstnd	Sec. 602.1509	Travel Waiver for Judicial Officers
4	1	5	Nwthstnd	Sec. 11, Chapter 1191, 2008 Iowa Acts	Permits Unpaid Leave of Judicial Officers

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the
1 3 state to the judicial branch for the fiscal year beginning
1 4 July 1, 2009, and ending June 30, 2010, the following amount,
1 5 or so much thereof as is necessary, to be used for the
1 6 purposes designated:
1 7 For salaries of supreme court justices, appellate court
1 8 judges, district court judges, district associate judges,
1 9 judicial magistrates and staff, state court administrator,
1 10 clerk of the supreme court, district court administrators,
1 11 clerks of the district court, juvenile court officers, board
1 12 of law examiners and board of examiners of shorthand reporters
1 13 and judicial qualifications commission; receipt and
1 14 disbursement of child support payments; reimbursement of the
1 15 auditor of state for expenses incurred in completing audits of
1 16 the offices of the clerks of the district court during the
1 17 fiscal year beginning July 1, 2009; and maintenance,
1 18 equipment, and miscellaneous purposes:
1 19 \$149,184,957

1 20 2. The judicial branch, except for purposes of internal
1 21 processing, shall use the current state budget system, the
1 22 state payroll system, and the Iowa finance and accounting
1 23 system in administration of programs and payments for
1 24 services, and shall not duplicate the state payroll,
1 25 accounting, and budgeting systems.

1 26 3. The judicial branch shall submit monthly financial
1 27 statements to the legislative services agency and the
1 28 department of management containing all appropriated accounts
1 29 in the same manner as provided in the monthly financial status
1 30 reports and personal services usage reports of the department
1 31 of administrative services. The monthly financial statements
1 32 shall include a comparison of the dollars and percentage spent

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is a decrease of \$2,872,790 compared to the estimated net FY 2009 appropriation. This includes the transfer of the Judicial Retirement appropriation into the Judicial Branch operating budget appropriation. This funds the employer's share of Judicial Retirement at 30.6%. The decrease reflects the application of a 1.9% across-the-board reduction to the Judicial Branch.

NOTE: This appropriation was increased by \$11,000,000 in SF 478 (Standing Appropriations Bill).

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.

Requires the Judicial Branch to submit monthly financial statements on all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency (LSA) and the Department of Management (DOM). Specifies what is to be included in the financial statements.

1 33 of budgeted versus actual revenues and expenditures on a
1 34 cumulative basis for full-time equivalent positions and
1 35 dollars.

2 1 4. The judicial branch shall focus efforts upon the
2 2 collection of delinquent fines, penalties, court costs, fees,
2 3 surcharges, or similar amounts.

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

2 4 5. It is the intent of the general assembly that the
2 5 offices of the clerks of the district court operate in all 99
2 6 counties and be accessible to the public as much as is
2 7 reasonably possible in order to address the relative needs of
2 8 the citizens of each county.

Specifies that it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as reasonably possible.

2 9 6. In addition to the requirements for transfers under
2 10 section 8.39, the judicial branch shall not change the
2 11 appropriations from the amounts appropriated to the judicial
2 12 branch in this Act, unless notice of the revisions is given
2 13 prior to their effective date to the legislative services
2 14 agency. The notice shall include information on the branch's
2 15 rationale for making the changes and details concerning the
2 16 workload and performance measures upon which the changes are
2 17 based.

Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds. Specifies the contents of the notice.

2 18 7. The judicial branch shall submit a semiannual update to
2 19 the legislative services agency specifying the amounts of
2 20 fines, surcharges, and court costs collected using the Iowa
2 21 court information system since the last report. The judicial
2 22 branch shall continue to facilitate the sharing of vital
2 23 sentencing and other information with other state departments
2 24 and governmental agencies involved in the criminal justice
2 25 system through the Iowa court information system.

Requires the Judicial Branch to provide a semi-annual report to the LSA, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other information with departments and government agencies involved with the criminal justice system through the Iowa Court Information System.

2 26 8. The judicial branch shall provide a report to the

Requires the Judicial Branch to report to the General Assembly by

2 27 general assembly by January 1, 2010, concerning the amounts
 2 28 received and expended from the enhanced court collections fund
 2 29 created in section 602.1304 and the court technology and
 2 30 modernization fund created in section 602.8108, subsection 7,
 2 31 during the fiscal year beginning July 1, 2008, and ending June
 2 32 30, 2009, and the plans for expenditures from each fund during
 2 33 the fiscal year beginning July 1, 2009, and ending June 30,
 2 34 2010. A copy of the report shall be provided to the
 2 35 legislative services agency.

January 1, 2010, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2009 and planned expenditures for FY 2010. The Judicial Branch is required to provide a copy of this report to the LSA.

3 1 9. The judicial branch is encouraged to purchase products
 3 2 from Iowa state industries, as defined in section 904.802,
 3 3 when purchases are required and the products are available
 3 4 from Iowa state industries. The judicial branch shall obtain
 3 5 bids from Iowa state industries for purchases of office
 3 6 furniture during the fiscal year beginning July 1, 2009,
 3 7 exceeding \$5,000.

Beginning July 1, 2009, requires the Judicial Branch to obtain bids from Iowa Prison Industries for office furniture purchases exceeding \$5,000.

3 8 Sec. 2. CIVIL TRIALS == LOCATION. Notwithstanding any
 3 9 provision to the contrary, for the fiscal year beginning July
 3 10 1, 2009, and ending June 30, 2010, if all parties in a case
 3 11 agree, a civil trial including a jury trial may take place in
 3 12 a county contiguous to the county with proper jurisdiction,
 3 13 even if the contiguous county is located in an adjacent
 3 14 judicial district or judicial election district. If the trial
 3 15 is moved pursuant to this section, court personnel shall treat
 3 16 the case as if a change of venue occurred. However, if a
 3 17 trial is moved to an adjacent judicial district or judicial
 3 18 election district, the judicial officers serving in the
 3 19 judicial district or judicial election district receiving the
 3 20 case shall preside over the case.

CODE: Permits parties to a civil case, including a jury trial, to move the case to a contiguous county, even if it crosses a judicial district for one year (FY 2010). If the case is moved, the judicial officers in the judicial district that receives the case will preside over the case.

3 21 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
 3 22 602.1509, a judicial officer may waive travel reimbursement
 3 23 for any travel outside the judicial officer's county of

CODE: Permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence.

3 24 residence to conduct official judicial business.

3 25 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 26 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 27 required to be provided by the judicial branch for fiscal year
3 28 2009=2010 to the legislative services agency shall be provided
3 29 in an electronic format. The legislative services agency
3 30 shall post the reports on its internet web site and shall
3 31 notify by electronic means all the members of the joint
3 32 appropriations subcommittee on the justice system when a
3 33 report is posted. Upon request, copies of the reports may be
3 34 mailed to members of the joint appropriations subcommittee on
3 35 the justice system.

Requires the Judicial Branch to provide the LSA with reports in electronic format so that the reports can be placed on the LSA website. The LSA is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.

4 1 Sec. 5. JUDICIAL OFFICER == UNPAID LEAVE. Notwithstanding
4 2 the annual salary rates for judicial officers established by
4 3 2008 Iowa Acts, chapter 1191, section 11, for the fiscal
4 4 period beginning July 1, 2008, and ending June 30, 2010, the
4 5 supreme court may by order place all judicial officers on
4 6 unpaid leave status on any day employees of the judicial
4 7 branch are placed on temporary layoff status. The biweekly
4 8 pay of the judicial officers shall be reduced accordingly for
4 9 the pay period in which the unpaid leave date occurred in the
4 10 same manner as for noncontract employees of the judicial
4 11 branch. Through the course of the fiscal period, the judicial
4 12 branch may use an amount equal to the aggregate amount of
4 13 salary reductions due to the judicial officer unpaid leave
4 14 days for any purpose other than for judicial salaries.

CODE: Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch through FY 2010.

FISCAL IMPACT: The overall fiscal impact of one day of unpaid leave, including both noncontract personnel and judicial officers, is a General Fund savings of \$433,000. The fiscal impact of one temporary layoff day for 1,604 noncontract Judicial Branch employees is a General Fund savings of \$335,000. The fiscal impact of one unpaid leave day for the 385 judicial officers, including Magistrates and Senior Judges, is a General Fund savings of \$98,000.

4 15 Sec. 6. EFFECTIVE DATE. The sections of this Act
4 16 permitting waiver of travel reimbursement and unpaid leave for
4 17 judicial officers, being deemed of immediate importance, take
4 18 effect upon enactment.

The provision permitting unpaid leave of judicial officers is effective on enactment.

PG LN

Senate File 472

Explanation

4 20 jm/jp/jh/26

Summary Data

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	House Action FY 2010	Final Action FY 2010	Final Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Justice System	\$ 148,396,285	\$ 152,057,747	\$ 149,184,957	\$ 149,184,957	\$ 149,184,957	\$ -2,872,790	
Grand Total	<u><u>\$ 148,396,285</u></u>	<u><u>\$ 152,057,747</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ -2,872,790</u></u>	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	House Action FY 2010	Final Action FY 2010	Final Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Judicial Branch							
Judicial Branch							
Judicial Branch	\$ 144,945,322	\$ 148,606,784	\$ 149,184,957	\$ 149,184,957	\$ 149,184,957	\$ 578,173	PG 1 LN 1
Judicial Retirement	3,450,963	3,450,963	0	0	0	-3,450,963	
Total Judicial Branch	<u>\$ 148,396,285</u>	<u>\$ 152,057,747</u>	<u>\$ 149,184,957</u>	<u>\$ 149,184,957</u>	<u>\$ 149,184,957</u>	<u>\$ -2,872,790</u>	
Total Justice System	<u><u>\$ 148,396,285</u></u>	<u><u>\$ 152,057,747</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ 149,184,957</u></u>	<u><u>\$ -2,872,790</u></u>	